

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.622(i),  
Post-Transition Table of DTV Allotments,  
Television Broadcast Stations.  
(Greenville, North Carolina)

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MB Docket No. 12-130

RM-11662

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: July 27, 2012**

**Released: July 30, 2012**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by ION Media Greenville License, Inc. ("ION"), the licensee of WEPX-TV, channel 51, Greenville, North Carolina. ION requests the substitution of channel 26 for channel 51 at Greenville. ION filed comments reaffirming its interest in the proposed channel substitution. No other comments were received.

2. We believe the public interest will be served by substituting channel 26 for channel 51 at Greenville. While the Commission instituted a freeze on the acceptance of rulemaking petitions by full power television stations requesting channel substitutions in May 2011,<sup>2</sup> it subsequently announced that it would lift the freeze to accept petitions for rulemaking filed by full power television stations seeking to relocate from channel 51 pursuant to a voluntary relocation agreement with Lower 700 MHz A Block licensees.<sup>3</sup> In addition, according to ION, the proposed facility will increase the net total population served by the station by almost 100,000 persons.<sup>4</sup>

3. Channel 26 can be substituted for channel 51 at Greenville, North Carolina as proposed, in

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<sup>1</sup> *Greenville, North Carolina*, DA 12-815 (Vid. Div. rel. May 25, 2012).

<sup>2</sup> *Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 26 FCC Rcd 7721 (MB 2011).

<sup>3</sup> *General Freeze on the Filing and Processing of Applications for Channel 51 Effective Immediately and Sixty (60) Day Amendment Window for Pending Channel 51 Low Power Television, TV Translator and Class A Applications*, Public Notice, 26 FCC Rcd 11409 (MB 2011). In its rulemaking petition, ION stated that it was entering into a voluntary relocation agreement with Lower 700 MHz A Block licensees. ION Petition for Rulemaking at n.2.

<sup>4</sup> ION Petition for Rulemaking at n.2.

compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 35-24-09 N. and 77-25-10 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules with the following specifications:

City and State	Channel	Power (kW)	Antenna HAAT (meters)	Service Pop. (thous.)
Greenville, North Carolina	26	278	141	738

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures Act.<sup>5</sup> An expedited effective date is necessary in this case to ensure that station WEPX-TV can promptly vacate channel 51 to make way for new wireless service by Lower 700 MHz A Block licensees.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective immediately upon publication of this Report and Order in the Federal Register, the Post-Transition Table of DTV Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel Nos.</u>
Greenville, North Carolina	10, *23, 26, 47

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, ION Media Greenville License, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 26 in lieu of channel 51.

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Media Bureau, (202) 418-1647.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>5</sup> 5 U.S.C. § 553(d)(3).